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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,103	08/26/2003	Mark D. Schoenhals	15010-01010	3164
32054	7590	03/17/2010	EXAMINER	
Tina M. Lessani			MORAN, RANDAL D	
Lessani & Lessani LLP			ART UNIT	
163 Cypress Point Road			PAPER NUMBER	
Half Bay Moon, CA 94019			2435	
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			03/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,103

Applicant(s)

SCHOENHALS, MARK D.

Examiner

RANDAL D. MORAN

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14, 15, 17, 19-27, 31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 15, 17, 19-27, 31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-7, 14-27, 31 and 33-36 are pending.

This Office Action is in response to arguments filed 3/18/2009.

Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-7, 14-27, 31 and 33-36**, are rejected under 35 U.S.C. 102(b) as being anticipated by **Greenberg et al. (US 2001/0038624)**, hereafter “Greenberg”.

Considering **Claims 1 and 19**, Greenberg discloses a method for correlating a user's use of a website with a user's phone call to a customer service agent for a

business (abstract), where the phone call to the customer service agent is made independent of the website ([0062]), the method comprising: for each user that accesses the website, transmitting a webpage to the user that visibly displays a unique ID ([0060]), where the unique ID is unique to the user's web browser ([0060]), and the where the unique ID is generated without obtaining information that identifies the user personally ([0060]); storing a record of the unique IDs that have been displayed to users in a webpage ([0061]); in response to a user telephoning a customer service agent for the business, obtaining the user's unique ID from the user([0060],[0062]); and correlating the user's call to the customer service agent with the users' use of the website using the user's unique ID ([0060]).

Considering **Claim 23**, Greenberg discloses a system for correlating user use of a website with a user's phone call to a customer service agent for a business (abstract), where the phone call is made independent of the website ([0062]), the system comprising: a web server for the website that transmits a webpage that visibly displays a unique ID to each user that accesses the website ([0060]), where, for each user, the unique ID is unique to the user's web browser ([0060]), and unique ID is generated without obtaining information that identifies the user personally ([0060]), a first database for storing a record of the unique ID's that have been displayed to the users of a website ([0061]), a second database for storing a record of the unique ID's that have been displayed to users of the website ([0062][0063]), an analyzer that correlates users' calls to a customer service agent made independent of the website with users use of the

website by correlating records in the first and second databases associated with matching unique ID's ([0060]).

As per **claim 2**, Greenberg discloses storing information related to a user's use of the website in association with the unique ID displayed to the user ([0060]).

As per **claim 3**, Greenberg discloses storing, in association with the user's unique ID, information related to the customer service agent's interaction with the user ([0060]-[0062]).

As per **claim 4**, Greenberg discloses determining, using the unique IDs, the number of users that called a customer service agent that also accessed the website ([0047]).

As per **claim 5, 20, 24 and 27**, Greenberg discloses using the user's unique ID to correlate any product sale purchases made by the user through the customer service agent with information about the user's use of the website ([0047]).

As per **claim 6, 21 and 25**, Greenberg discloses in response to the user clicking on an online advertisement to reach the website, storing information about the advertisement in association with the unique ID displayed to the user ([0060]-[0062]).

As per **claim 7, 22 and 26**, Greenberg discloses using the unique ID displayed to the user and the stored information about the advertisement to correlate the advertisement with any product sales to the user through the customer service agent ([0125])).

As per **claim 14 and 31**, Greenberg discloses the webpage supports an internet chat service ([0081]-[0083]).

As per **claims 15 and 17**, Greenberg discloses for each user that access the website, determining whether the user's web browser has a cookie from the website with a unique ID ([0128]); if the web browser has a cookie from the website with a unique ID, retrieving the unique ID from the cookie and transmitting a webpage with the retrieved unique ID to the user ([0083]); and if the web browser does not have a cookie from the website with a unique ID, generating a unique ID ([0060]), adding the generated unique ID to the record of unique IDs ([0061]), and transmitting the unique ID to the user in a webpage ([0060]-[0062]).

As per **claims 33 and 35**, Greenberg discloses wherein the customer service agent is a live person ([0118]).

As per **claims 34 and 36**, Greenberg discloses that service agent is an automated agent ([0045]).

Response to Arguments

Applicant's arguments filed 12/28/2009 have been fully considered but they are not persuasive.

Regarding **Claim 1**, applicant's arguments have been fully considered but are not persuasive. With respect to applicant's arguments that Greenberg fails to teach a users use of a website is correlated with a users subsequent, non-web initiated telephone call to a customer service agent, applicant is directed to Greenberg- Fig. 10, [0060], [0062]. Greenberg discloses the customer/session ID is used to identify the customer or the

session without actually identifying the customer to the merchant. Greenberg further discloses the actual telephone number of the call center may be included in the icon in addition to or instead of one or more icon fields.

With respect to applicant's argument that the IDs are not displayed to the consumer, Greenberg discloses that the merchant ID, link ID, customer/session ID are all downloaded to the end user PC (the customer PC). Since Greenberg discloses that the call center phone number could be displayed separate or instead of an icon, the phone call would also have to be made separate of the computer.

Regarding **Claims 19-27, 31, and 35-36**, applicant's arguments have been fully considered but are not persuasive. Please refer to arguments for Claim 1 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDAL D. MORAN whose telephone number is (571)270-1255. The examiner can normally be reached on M-F: 7:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. M./
Examiner, Art Unit 2435
6/21/2009

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435